

**CITY OF DELTONA, FLORIDA  
CITY COMMISSION WORKSHOP MEETING  
TUESDAY, NOVEMBER 9, 2010**

A Workshop Meeting of the Deltona City Commission was held on Tuesday, November 9, 2010 in the City of Deltona's 2<sup>nd</sup> Floor Conference Room at 2345 Providence Blvd. Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 4:30 p.m. by Mayor John Masiarczyk.

**2. ROLL CALL:**

Mayor	John Masiarczyk	Present
Vice Mayor	Paul Treusch	Present
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Fred Lowry	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary Cooney	Present
Deputy City Clerk	Traci Houchin	Present

Also Present: Deputy City Manager Dave Denny; Building Official Cy Butts; Planning and Development Director Chris Bowley; City Clerk Joyce Kent; Finance Director Bob Clinger; Public Works Director Glenn Whitcomb; Parks and Recreation Director Steve Moore; VCSO Captain Brannon.

**3. BUSINESS:**

**A. Review of Sunshine Law – City Attorney.**

Mr. Cooney provided a brief explanation as to how the Sunshine Law came about. He stated that the deliberations that the Commission have are always going to be in the public eye at a public hearing, therefore, Mr. Cooney suggested to the Commission that they do not engage in discussions with fellow board members unless it is at a public meeting in order to avoid violating the Sunshine Law and to stay away from topics that could come before the Commission as City business. Some of the topics covered in the presentation were notices, minutes, ex-parte communications, voting, quorum and public records.

Commissioner Treusch asked what the rule is for swearing in speakers at the Commission meetings. Mr. Cooney replied that most local government attorneys suggest that you swear them

1 in as witnesses. He then asked if the Commission could be selective in this and Mr. Cooney  
2 stated that you should follow this procedure for all or none.

3  
4 Commissioner Denizac stated that texting is a big issue for her. She stated that it is rude and  
5 disrespectful. She stated that she is not in favor of the phones at the dais and that the Commission  
6 needs to raise the bar and play by the rules.

7  
8 Mayor Masiarczyk stated that he feels that some of the City's procedures and policies may need  
9 to be streamlined and that a workshop would be a good place for discussion.

10  
11 Commissioner Carmolingo stated that he leaves his phone on vibrate and that he feels he should  
12 be able to be reached in case of a family emergency.

13  
14 Commissioner Carmolingo confirmed that on the code enforcement board you swear in all  
15 witnesses. He also asked Mr. Cooney if he met with developers and disclosed this information at  
16 a meeting, would he still be suspect even though he disclosed the information. Mr. Cooney  
17 replied no, but stated that it may impact the process down the road because it could make the  
18 City's process suspect.

19  
20 Commissioner Carmolingo also asked Mr. Cooney if the state of Florida is over and above any  
21 other state that he is aware of with regards to the Sunshine Law. Mr. Cooney stated that Florida is  
22 the most open and is currently the leader of that law.

23  
24 Commissioner Denizac stated that it has been a past practice for a developer, bringing forth a  
25 project to meet with the Commissioners. She asked if this is advisable. Mr. Cooney responded  
26 that if he was in her seat, he wouldn't do it. He stated that it is something that the Commission  
27 could do, however, he advises against it.

28  
29 Commissioner Denizac also feels that when an important topic arises and deserves a vote, the  
30 members of the Commission should not leave the dais to avoid a vote, nor should the Mayor  
31 delay a discussion if a member of the Commission steps out.

32  
33 Mr. Cooney encouraged the Commission to call him at anytime if anyone has any questions or  
34 concerns with the Sunshine Law.

35  
36 Ms. Miller asked Mr. Cooney to review the Sunshine procedures for the advisory boards and  
37 committees. Mr. Cooney stated that if any members of the Commission would like to attend  
38 these types of meetings, the Commission should notify him or the City Manager and refrain from  
39 speaking at the meeting.

40  
41 Commissioner Carmolingo stated that he attended the Florida League of Cities (FLOC) meeting  
42 and he mentioned the SB 550 to Mary Swiderski. He asked her if the League was going to do  
43 anything about it and he asked if the City has proceeded to do anything on it. Mr. Cooney  
44 mentioned that the Resolution will be coming before the Commission on Monday night.

45

1 5:30 - The Commission took a five (5) minute break.  
2

3 **B. Presentation and Discussion re: Implementation Strategies to Streamline the Plan**  
4 **Review and Permitting Process.**  
5

6 Mr. Bowley stated this process has been ongoing for some time and that the goal is to try and  
7 develop a more efficient system to the plan that is already in place. He stated that this is a  
8 collaborative effort among the departments.  
9

10 Mayor Masiarczyk stated that he likes the idea of coming up with different areas but asked if  
11 there is a reason why the City has certain target areas. Mr. Bowley stated that at this time it is just  
12 a concept and that is why it is being brought forward to the Commission.  
13

14 Commissioner Carmolingo asked how long it takes for the development order process as page 15  
15 of the presentation states 12 months. Mr. Bowley stated that it doesn't take 12 months but that if  
16 a developer gets an approval from the City; the City wants a level of accountability on the  
17 applicant or developer to avoid approving an open ended order.  
18

19 Commissioner Zischkau asked if City staff held pre-application conferences and Mr. Bowley  
20 explains that we do, however, this new approach would be more broad reaching and allow for all  
21 departments to provide service and information to the applicant.  
22

23 Commissioner Denizac asked what is the difference in the plan presented versus the plan that is  
24 currently in place. She also would like more clarity on page 16, the last bullet point, regarding the  
25 City Grants Assistance Program. Mr. Bowley stated that the plan that is being presented is more  
26 encompassing among all departments and that it is a more comprehensive City-wide approach.  
27 As for the Grants Assistance Program, the City is willing to provide any information that is  
28 available through federal funds that may be an incentive to help someone come forward to make  
29 application.  
30

31 Mr. Bowley stated that there is a change in the threshold, currently, section 1202.05 of the  
32 Zoning Code for limiting the type of application that has to go through the Planning and Zoning  
33 board first for one public hearing prior to going to the City Commission for a hearing. Staff has  
34 done research among other communities in the state and it shows that the communities with a  
35 higher threshold are benefiting from this, therefore, staff is looking at a 2-fold process: projects  
36 that are less than 30,000 square feet and projects that are greater than 30,000 square feet.  
37

38 Vice Mayor Treusch asked if the Trak-It software is something that the City needs to purchase  
39 and Mr. Bowley explained that it is already in place and that staff should be using it to its  
40 maximum potential. He also asked if the system is used for inspections and if so, can the  
41 inspections be scheduled in a timely manner. Mr. Narvaez, IT Manager, stated that it is the  
42 module that is being considered for purchase and that it is just one piece that the City is trying to  
43 enhance.  
44

Commissioner Denizac suggested that staff provide an update on projects in the City and the Mayor suggested that the City Manager include this in her weekly report.

**C. Discussion re: Spending of Tree Fund money on various projects suggested by Public Works, Parks and Recreation and the Beautification Board**

Mr. Denny stated that the fund has been in place since 2005 and the current balance is \$502,475 and that there is \$350,000 in this current year's budget. Mr. Denny reviewed the current projects such as: Normandy Blvd, Keysville Dog Park, and Harris Saxon that this money can be used for and asked for the Commission's input or direction on ways to improve the looks of the City with this available fund.

Vice Mayor Treusch asked if we could pursue a teen center, and Mayor Masiarczyk explained that the intent is to replace trees, flowers, irrigation.

Commissioner Denizac suggests mature trees in the City parks to create more shade.

Commissioner Zischkau stated that if we do not use the money for trees, it sets a perception of deceit and possible law suits.

Vice Mayor Treusch suggested that the City create a garden type atmosphere for citizens in the City where they could go to see the plants, trees, and flowers. He also suggested labeling them so that the citizens would be familiar with the type of tree it is.

Commissioner Lowry stated that he would like to see more of a focus on the entry points into the City.

Mr. Denny also reminded the Commission to take into consideration that certain roads or areas will need County approval.

Commissioner Carmolingo stated that he was in favor of the plan that Mr. Denny provided.

Ms. Miller confirmed that the Commission is comfortable to move forward with the plans Mr. Denny presented and the Commission concurred.

**D. Discussion re: options for including City's financial information/transactions on the Webpage**

Mr. Narvaez presented the history of Transparency in Government and the options that the City has to obtain this. He explained that it is something that the City can do; however, it will take time and money. He presented three (3) models of ways that the City can do this and presented both, the pros and cons of each model.

Commissioner Denizac stated that she feels this should be done immediately. She feels that our public should be able to see how the money is being spent without a public record request. She stated that staff has a relaxed work environment; updates have been made to the City's computers and scanners, that the technology is here in the City and that the budget has overtime and contingency money built into it so she sees no reason to wait. She stated that she believes she hears resistance and excuses from staff as to why this is not being done and she will continue to advocate for this as she feels it is worth it.

Mayor Masiarczyk stated that there is no resistance and that the Commission needs to instruct staff to find the best possible system if that is what they want. He confirmed with the Commission that what they want is the level of total transparency. He stated that this is a Herculean task and will be a City-wide change.

Vice Mayor Treusch supports this but will not support consultants coming in. He feels that the problem is it will be labor intensive and he asked if we have enough staff to handle this.

Mayor Masiarczyk stated that the City break ground and develop a system to get open.

Mr. Clinger confirms that transparency is coming and that there is no resistance and he feels that the progress the City has made is better than what the Commission believes.

Mr. Narvaez explained that staff is not resistant, but providing information in a cautious manner.

Commissioner Carmolingo asked Mr. Narvaez to provide a ballpark figure and Mr. Narvaez referred to the power point presentation as the price is dependent upon the model the City chooses.

Mayor Masiarczyk stated that the information Mr. Narvaez provided is good information, however, he believes the Commission is not at a comfort level. He would like the Commission to put down on paper what they would like to see and provide some direction to staff.

#### **4. MAYOR/PUBLIC COMMENTS:**

Mayor Masiarczyk thanked the City Manager and staff for hosting a great evening at Monday night's Special Meeting.

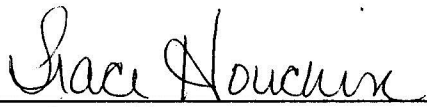
Mayor Masiarczyk also suggested removing the four (4) minute timer from the audience's view and would like the computer monitor adjusted for his view.

Ms. Miller stated that she has to notify the County by Friday, November 12<sup>th</sup> on who will be attending the FEMA Conference that will be held in June in Emmitsberg, Maryland. She stated that the County is suggesting that an elected official attend. Mr. Lowry stated that he may be interested and Commissioner Zischkau volunteered for the alternate position.

1 Ms. Miller asked the Commission about having a new member orientation and if anyone had  
2 suggestions. Mayor Masiarczyk suggested an all day summit that would include a visioning  
3 session.

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6 **5. ADJOURNMENT:**

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8 There being no further business the meeting adjourned at 7:40 p.m.  
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14 Traci Houchin,  
15 Deputy City Clerk